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7 Plaintiff in Pro Per

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 SAADELDIN (DEAN) EL-SEDFY,

12 Plaintiff,

13 vs.

14 WHATSAPP INC., and

15 FACEBOOK INC.

16 Defendants.

Case No. **CV16**

4056

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR A JURY TRIAL

17
18 **I. JURISDICTION**

19 1. This is an action of copyright infringement arising under title 17 of the
20 United States Copyright Law. Jurisdiction of these claims are conferred to this Court
21 by 28 U.S.C. §§ 1331 and 1338(a).

22
23 **II. VENUE**

24 2. Venue is appropriate in this Court because both of the defendants have
25 been conducting their businesses, and their respective headquarters are situated, in
26 the state of California and within this Court's judicial district.

III. INTRADISTRICT ASSIGNMENT

3. This is an Intellectual Property Action to be assigned on a district-wide basis pursuant to Civil Local Rule 3-2(c).

IV. PARTIES

4. SAADELDIN (DEAN) EL-SEDFY, hereinafter will be called Plaintiff, is a Canadian retired Aerospace and Defense Engineer. The Plaintiff personally holds, by assignment, all the interest, rights, and title to the copyrights at issues in this litigation. He founded and has been the sole owner of SR&ED Engineering Inc. The latter is currently a non active Canadian sole proprietorship organization, similar to an S-Corporation in USA. Its function has been providing a commercial name and entity for the Plaintiff, to run the consulting and software development business. The Plaintiff resides at 1578 Heritage Way, Oakville, Ontario, Canada, L6M 2Z5. The Plaintiff has since in or about 1999, been developing special software applications for clients and others with great emphasis on security and text encryption. The original applications were developed for Windows based computers. Lately, about 2010, the focus started shifting towards Android and Smart phones, in general. The Plaintiff has developed the following:-

(a) AntiSpySMS(3.7), which is an application designed for the privacy and security of users. The hackers, and lately NSA of USA, have been successful to penetrate the mobile phones and obtain sensitive information. Private SMS makes hacking useless. The SMS messages are saved in the inbox in the encrypted format (unreadable by humans). The SMS messages are decrypted on demand by the users and the readable text is never saved. It is an end-to-end encryption. This development has been copyright protected as of August, 1, 2012. Attached herewith the Registration Certificate as Exhibit-A.

(b) BusyTeam, which is an App for mobile projects and task management for business professionals, who know exactly what to do and just need minimum volume of reminders and fast status communication and updating tools. One person of the team, or more, may prepare the entire plan of work and the rest of the team will be able to synchronize their respective devices to be up and running in seconds. The core development of this product is based on the development of Anti-Spy SMS, subject to the same copyright protection, combined with earlier development for Windows PC.

(c) e_ScutSheet, which is structurally identical of BusyTeam except the interface had to be modified to become suitable for medical doctors/students practicing in a hospital setting. In fact the two above mentioned products in 4.(b) & 4.(c) provide a perfect manifestation of plagiarism in the development of software, although legal in this instant. Exhibits B,C&D include copies of The Plaintiff's store online presentations of the three above mentioned products.

5. WhatsApp Inc. , hereinafter will be called (Defendant-1). As per Facebook Inc's refiling with the exchange authority it is stated that: WhatsApp Inc. was founded and incorporated in California in February 2009 and reincorporated in the State of Delaware in July 2013. The Company provides a cross-platform communication application, which allows users globally to exchange unlimited text and multimedia (audio, video and photo) messages without having to pay for short messaging service (SMS) fees. Users can communicate through one-to-one messages, create groups, or broadcast lists. Currently, WhatsApp supports iPhone, BlackBerry (and BB10), Android, Windows, Nokia S40, and Symbian platforms. Users can send messages via WhatsApp application using existing mobile data connections or Wi-Fi. The Company is headquartered in Mountain View, California. Defendant-1's headquarter exact address is 650 Castro Street, Suite 120-219, Mountain View,

1 California, 94041, United States of America. It is currently a wholly owned subsidiary
2 of Facebook Inc.

3
4 6. Facebook Inc., hereinafter will be called Defendant-2, developed
5 "Facebook". As per its annual report of 2015, the following is stated: "Facebook" is a
6 mobile application and website that enables people to connect, share, discover, and
7 communicate with each other on mobile devices and personal computers.
8 Defendant-2 had 1.04 billion daily active users (DAUs) on average in December
9 2015, an increase of 17% compared to December 2014. Defendant-2 had 934
10 million DAUs who accessed "Facebook" from a mobile device on average in
11 December 2015, an increase of 25% compared to December 2014. There are a
12 number of different ways to engage with people on "Facebook", the most important
13 of which is News Feed which displays an algorithmically-ranked series of stories and
14 advertisements individualized for each person.

15
16 7. Defendant-2 has had, by way of plagiarism, or acquisition, or allegedly
17 development, been able to offer the market many other products, as per its annual
18 report of 2015, such as :-

19 (a) Instagram, which is a mobile application that enables people to take
20 photos or videos, customize them with filter effects, and share them with friends
21 and followers in a photo feed or send them directly to friends.

22
23 (b) Messenger, which is a messaging application available for mobile and
24 web on a variety of platforms and devices. Messenger enables people to reach
25 others instantly and simply, and also enables businesses to engage with
26 customers seamlessly and securely.

1 (c) WhatsApp Messenger, which is a fast, simple and reliable mobile
2 messaging application that is used by people around the world and is available
3 on a variety of mobile platforms.

4 (d) Oculus virtual reality technology and content platform power products that
5 allow people to enter a completely immersive and interactive environment to play
6 games, consume content, and connect with others.

7 8 9 **V. STATEMENT OF FACTS**

10
11 8. Since 1999, Plaintiff has been developing web based software
12 applications for his clients and the public with emphasis on security and preventing
13 eavesdropping of the transmitted and stored data/information. This original
14 development produced several applications for Windows operating system.

15
16 9. Through his original development work on security issues, the Plaintiff had
17 arrived at an expression of the idea relating to encrypting messages, data and text
18 being transmitted over the internet World Wide Web. Exhibit E includes screen shots
19 of some of those products.

20
21 10. In or about the end of 2010, Plaintiff has further developed the structure,
22 sequence and organization of the originally developed expressions, mentioned
23 above in paragraphs number 8&9, to become suitable for the applications running on
24 Mobile Devices. The original development work started with Android based phones
25 to encrypt end-to-end SMS messages. The product's name was changed from
26 AndySecret to finally AntiSpy SMS. The first official publication and release was on
27 or about July 3, 2012. The publishers are Samsung and Google internet stores. A
28 Copyright protection Certificate was obtained on August 1, 2012. See Exhibit A.

1
2 11. The application for the Copyright protection included the first version of
3 the source code, which included the manifestation of the expression and its
4 structure, sequence and organization. The expression of the idea of mutual secured
5 communications on the World Wide Web was first authored and implemented by the
6 Plaintiff in 2000. It was thereafter, in or about the T661 form of 2009-2012 tax
7 returns, identified and reported to the Federal Government of Canada (CRA) as the
8 theory of e_DNA (Electronic DNA). The copyright protected expression can be
9 briefly described as follows:-

10 (a) Sender Personal Identity Key (SPIK, which is his/her e_DNA) is
11 dynamically generated/computed and verified automatically on the device at the
12 initiation of the application.

13 (b) The recipient must be selected, from the available contacts list, prior to
14 composing the SMS message in order to compute the Recipient's Personal
15 Identity Key (RPIK, which is his/her e_DNA).

16 (c) Upon invoking the Send command, the Recipient's Personal Identification
17 Key (RPIK) is used in conjunction with the encryption algorithm to produce the
18 encrypted text. There are several encryption algorithms available in the public
19 domain. The Plaintiff's developed his own encryption, which is Copyright
20 protected.

21 (d) The encrypted text is then added to both public key and the RPIK . The
22 newly produced cryptographic message is submitted to the SMS sending
23 algorithm and the whole is sent. This phase is the most important part of the
24 expression as it allows the idea of Secure end-to-end messaging to be achieved.
25 The message structure (in terms of inclusion of the RPIK and public Key, i.e. the
26 electronic DNAs) is very important as it will cause the success or failure of Safe,
27 Verifiable and Secure decryption processes to be performed on the recipient's
28

1 device. The aforementioned solution is not a Scène à faire as there are many
2 other solutions.

3 (e) When the cryptographic message is received, the application will extract
4 the Public Key and the RPIK to compare them to the local stored Keys. They
5 must be identical for the decryption to be performed.
6

7 12. Defendant-1 has recently, in or about April 2016, announced the
8 introduction of **end-to-end encrypted SMS messaging**. Defendant-2, at the time of
9 preparing this pleading, has published a white paper to announce that it is in the
10 process of testing the concept of end-to-end encryption. Plaintiff has had attempted
11 several times to contact the Defendants to arrive at a resolution. No response has
12 been received. Plaintiff believes he is compelled to initiate this current action to
13 protect his legal rights. Exhibits F, G, H and I include copies of Plaintiff's attempted
14 communications with the Defendants.
15

16 **VI. CLAIM**
17 **(COPYRIGHT INFRINGEMENT)**

18 13. Plaintiff hereby restates and realleges the allegations set forth in
19 paragraphs 1 through 12 above and incorporates them by reference.
20

21 14. Without consent, authorization, approval, or license, the Defendants
22 knowingly, willingly, and unlawfully copied, prepared, published, and distributed
23 Plaintiff's copyrighted work, portions thereof, or derivative works and continues to do
24 so.
25

26 15. On information and belief, the Defendants direct and induced
27 infringements are and have been knowing and willful.
28

1 16. By this unlawful copying, use, and distribution, the Defendants have
2 violated Plaintiff's exclusive rights under 17 U.S.C. § 106.

3
4 17. The Defendants will continue to realize unjust profits, gains and
5 advantages as a proximate result of its infringement as long as such infringement is
6 permitted to continue.

7
8 18. Plaintiff is entitled to an injunction restraining The Defendants from
9 engaging in any further such acts in violation of the United States copyright laws.
10 Unless The Defendants are enjoined and prohibited from infringing Plaintiff's
11 copyrights, inducing others to infringe Plaintiff's copyrights, and unless all infringing
12 products and advertising materials are seized, the Defendants will continue to
13 intentionally infringe and induce infringement of Plaintiff's registered copyrights.

14 19. As a direct and proximate result of the Defendants' direct and indirect
15 willful copyright infringement, Plaintiff has suffered, and will continue to suffer,
16 monetary loss to business, reputation, and goodwill. Plaintiff is entitled to recover
17 from The Defendants, in amounts to be determined at trial, the damages sustained
18 and will sustain, and any gains, profits, and advantages obtained by the Defendants
19 as a result of the Defendants' acts of infringement and the Defendants' use and
20 publication of the copied materials.

21
22 **VII. PRAYER FOR RELIEF**

23 WHEREFORE, the Plaintiff prays for judgment as follows:

24 A. Entry of judgment holding the Defendants liable for infringement of the
25 patents and copyrights at issue in this litigation;

26 B. An order permanently enjoining the Defendants, its officers, agents,
27 servants, employees, attorneys and affiliated companies, its assigns and successors
28

1 in interest, and those persons inactive concert or participation with it, from continued
2 acts of infringement of the copyrights at issue in this litigation;

3 C. An order that all copies made or used in violation of the Plaintiff's
4 copyrights, and all means by which such copies may be reproduced, be impounded
5 and destroyed or otherwise reasonably disposed of;

6 D. An order awarding the Plaintiff statutory damages and damages according
7 to proof resulting from the Defendants' infringement of copyrights at issue in this
8 litigation, together with prejudgment and post-judgment interest;

9 E. Trebling of damages under 35 U.S.C. § 284 in view of the willful and
10 deliberate nature of the Defendants' infringement of the copyrights at issue in this
11 litigation;

12 F. An order awarding the Plaintiff its costs and attorney's fees, or equivalent,
13 under 35 U.S.C. § 285 and 17 U.S.C. § 505; and

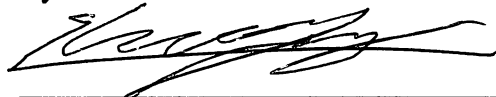
14 G. Any and all other legal and equitable relief as may be available under law
15 and which the court may deem proper

16
17 **VIII. DEMAND FOR A JURY TRIAL**

18 Plaintiff demands a jury trial for all issues so triable.
19

20
21 Dated: July 18, 2016

22 By:

23 
24

25 SAADELDIN (DEAN) EL-SEDFY

26 Plaintiff in Pro Per
27
28

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
TX 7-579-575

Effective date of
registration:

August 1, 2012

Title

Title of Work: Universal algorithms, process and source code to enable compatible sending and retrieval of encrypted SMS messages by mobile devices running different operating systems such as Apple OS x, Android and Windows.

Completion/Publication

Year of Completion: 2012

Date of 1st Publication: July 3, 2012

Nation of 1st Publication: United States

Author

■ **Author:** SR&ED ENGINEERING INC.

Author Created: computer program, artwork

Work made for hire: Yes

Citizen of: Canada

Domiciled in: Canada

Copyright claimant

Copyright Claimant: SR&ED ENGINEERING INC.

1578 HERITAGE WAY, OAKVILLE, L6M 2Z5, Canada

Limitation of copyright claim

Material excluded from this claim: computer program

New material included in claim: computer program, artwork

Rights and Permissions

Organization Name: SR&ED ENGINEERING INC.

Name: DEAN EL-SEDFY

Email: delsedfy@srmed.com

Telephone: 905-632-7733

Address: 1578 HERITAGE WAY

OAKVILLE, L6M 2Z5 Canada

Certification

Name: DEAN H. SEDEFY

Date: August 1, 2012

Correspondence: Yes

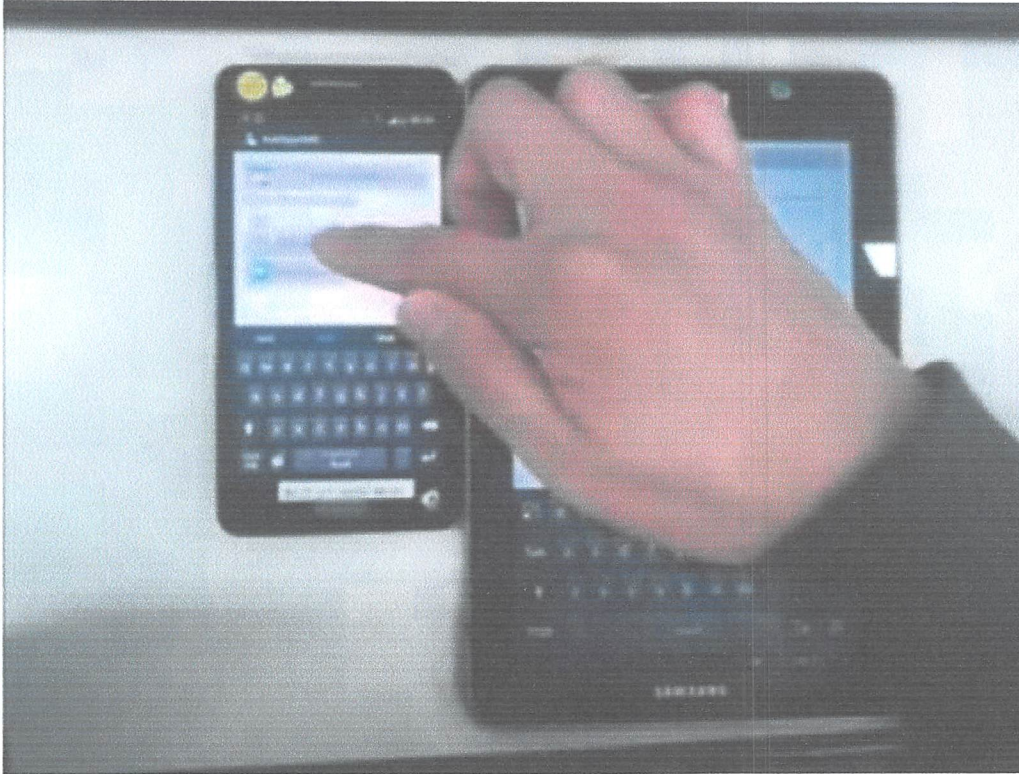


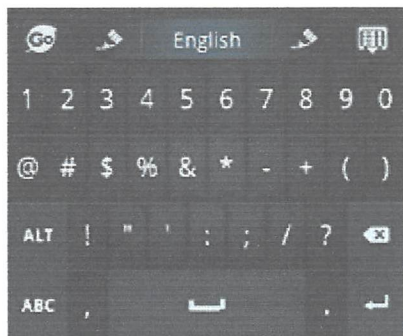
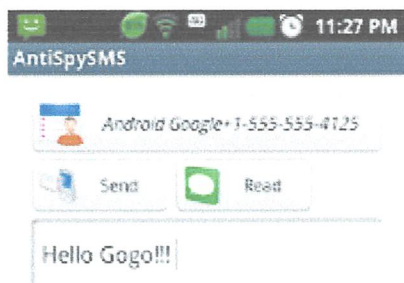
EXHIBIT B

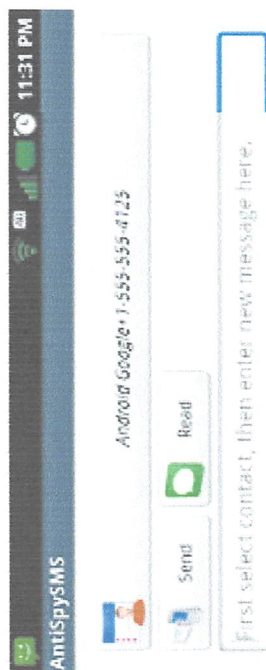
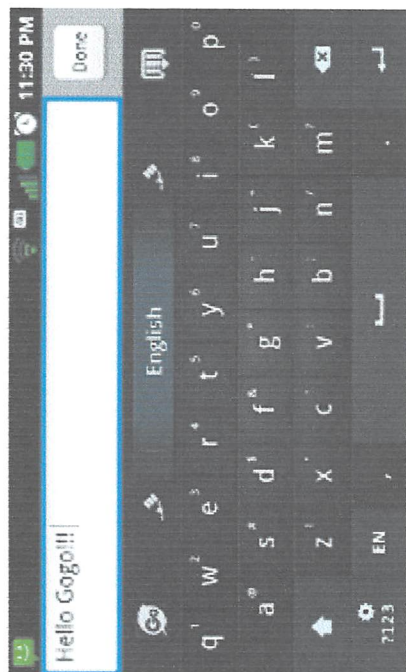
Anti Spy SMS - Android Apps on Google Play

Add to Wishlist

\$1.08 Buy







Samsung tested and confirmed app. GET IT NOW.....PRICE IS GOING UP SOON!!!

A product to protect your SMS communication data from eavesdropping. If NSA, or any other hacker, intercepts or hack your phone, they cannot read your SMS messages.

WITH YOUR PURCHASE YOU QUALIFY FOR LIFE TIME FREE UPDATES.

AntiSpySMS(3.7) is an application designed for your privacy and security. The hackers, and lately NSA of USA, have been successful to penetrate the mobile phones and obtain sensitive information. Private SMS makes hacking useless. Your messages are saved in the inbox in the encrypted format (unreadable by humans).

AntiSpySMS(3.7) is different from other encryption applications in two distinctive ways. It does not require encryption keys to be memorized or exchanged. The encryption keys are dynamically created specifically

for the SMS recipient at the time when you are composing the message. You do not have to exchange keys to send or receive messages.

AntiSpySMS(3.7) does not demand much typing or manipulations. The only thing you type is your SMS. The rest is done automatically under your control.

AntiSpySMS(3.7) is very easy to run. All what you have to do is as follows:

- 1.) Touch the Select Recipient, the phone contact list will be displayed to select from.(ONE AT A TIME).
- 2.) Type the outgoing SMS.
- 3.) Send the message.

AntiSpySMS(3.7) will let you know when the message is delivered. Please review the screen shots.

The introductory offer is just 1.99\$. This is a lot of security and privacy for such a little amount.

Go ahead download the app and give it a test drive. Android devices only.

Thank you in advance for your support and enjoy your privacy.

!!
!!!!!!

N.B. Please disable auto signature of your outgoing messages. It does not make sense to use encryption and provide your co-ordinates(personal data) at the same time. Also the recipient(contact) must also have a copy of this app to be able read the encrypted message. Again, there would be no point of privacy if every one can read your messages.

!!
!!!!!!

@Copyright Protected 2005-2016.

Reviews

EXHIBIT C

Search

Apps

Categories

Home

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New Releases

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Shop

Games

Family

Editors' Choice



BusyTeam

SRnED Productivity

Everyone

You don't have any devices

Add to Wishlist

\$6.62 Buy

Account

My Play activity

My wishlist

Redeem

Buy gift card

Parent Guide



Data Publishing/Retrieval.



Replace Team's Data



Replace My Data



Just Update Data

Back

Busy Team App is a mobile project and tasks management for the competent busy people, who know exactly what to do and just need minimum volume of reminders and fast status communicating and updating tool.

One person of the team, or more, may prepare the entire plan of work and the rest of the team will be able to synchronize their respective devices to be up and running in seconds.

The individuals may also update/edit/add/delete projects and tasks as they may wish. Any team member has the opportunity to keep in synch with the team when he/she has time to do so.

For security purposes and to protect the privacy of the team's communications, Busy Team App comes integrated with our renowned Anti-Spy-SMS App.

To run the app, follow the following steps:

- 1.) Login: You will need to add your ceredentials to your contacts' list to be used by the login, or sign in, procedure. If you forget your login ceredentials , you will have to RE-INSTALL the app.
- 2.) Define your team(OPTIONAL). Only once after installation, or when updating. This file will automatically be updated when you synch with the team.
- 3.a) If you are the person who is preparing the data on behalf of the team, then input the project(s) and its/their respective tasks. There is no specific order, as long as you can remember what you have to do. You may use the QUICK REVIEW to have a glance at your progress.
- 3.b) If you are not the above person, go to step 5.
- 4.) Once you completed (in part or total) the input of the data, replace the team's data with yours. Be careful when you are doing so as you may throw everybody out of synch. Make sure that everybody understands that you will be doing such a step.
- 5.) Synchronize Data With Team > Replace My Data. That is all.

Busy Team will issue help and informative messages, when warranted. Please read those messages carefully to save time.

YOUR FEEDBACK IS VERY IMPORTANT TO US.

We have developed this app with the hope to increase your productivity. Should you have any requirement or demand for a certain function, please do not hesitate to let us know. According to the feedback received, we will improve this product by adding your and other's, requirements. You will always get the update or upgrade FREE of charge.

ADDITIONAL INFORMATION

Updated March 29, 2014	Size 207k	Current Version 1.0
Requires Android 2.3 and up	Content Rating Everyone Learn more	Interactive Elements Users Interact
Permissions View details	Report Flag as inappropriate	Offered By SRnED

Developer

Visit [website](#)
Email delsedfy@srned.com
1578 Heritage Way, Oakville, Ontario, Canada, L7M 2Z5

 3

SRnED

[See more](#)



e_ScutSheet
SRnED

\$6.53



Anti Spy SMS
SRnED

\$1.08

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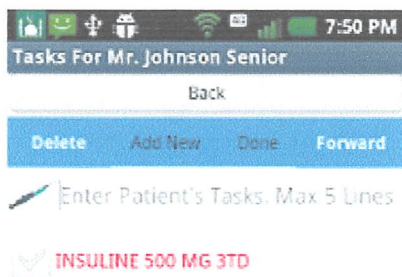
By purchasing this item, you are transacting with Google Payments and agreeing to the Google Payments [Terms of Service](#) and [Privacy Notice](#).

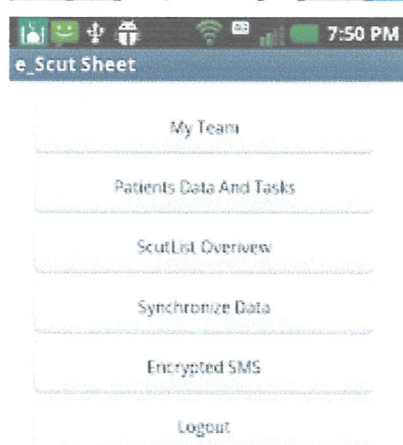
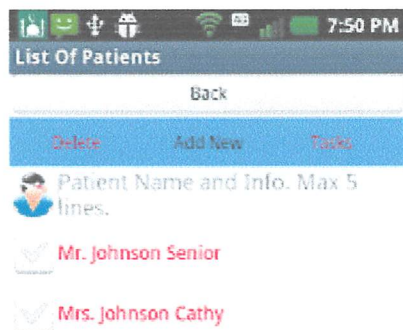
EXHIBIT D

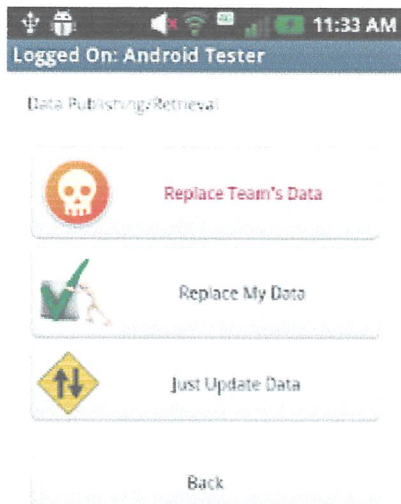
Android Apps on Google Play

Add to Wishlist

\$6.53 Buy







e_ScutSheet is a light weight productivity tool for MD doctors, Medical Students and Nurses in a hospital setting.

e_ScutSheet is actually an electronic replacement of the paper scutsheet and an added automatic synchronization to allow the medical team, the attending or chief resident, to be on top of daily/hourly efforts of the team.

e_ScutSheet most productive feature is that it allows the patients' data input to be completed by only one member of the team and the rest of the team will synchronize their devices to get the same data in seconds.

e_ScutSheet will allow the automatic referral of a task(s) to another colleague outside the team, even in another hospital, provided that the colleague has a copy of e_ScutSheet.

e_ScutSheet implements a special encryption scheme to protect the patient's privacy.

e_ScutSheet's messages are in English, but the input may be in any language. Other language will be supported in future releases.

e_ScutSheet is essentially deigned for Android based Smart Phones. It can be used on a tablet, but the user will loose the SMS function. The SMS function will be disabled if it does not detect a telephone line. The synchronization with the team will still be working as long as the WIFI is connected.

e_ScutSheet has a Login procedure to ensure your privacy. It requires four parameters. The most important parameters are the HOSPITAL NAME AND TEAM NAME FIELDS. Make sure that you have the correct spelling unified among your team, so that the synchronization of the team's data can be achieved. If you forget, or input the incorrect information, you can recover by RE-INSTALLING e_ScutSheet. A copy is always available in the download folder on your device.

EXHIBIT E